

Notice of Allowability

Application No.

09/760,061

Examiner

Yogesh C. Garg

Applicant(s)

WALSKY, JOSHUA P.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/27/2006.
2. ☒ The allowed claim(s) is/are 1-28 and 35-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

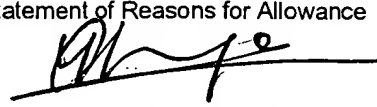
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/6/06 & 7/17/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

Response to Amendment

1. The applicant's amendment received on 10/27/2006 is acknowledged and entered. Claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19, 21, 22, 24, 26, 28, 39, 42, 44, 45, and 48-51 have been amended. Currently claims 1-28 and 35-51 are pending.

Allowable Subject Matter

2. Applicant's arguments, see Remarks (see pages 14-20),, filed 10/27/2006, with respect to currently amended claim(s) 1-28 and 35-51 under 35 USC 102 and 103(a) have been fully considered and are persuasive. Therefore, claims 1-28 and 35-51 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art, either individually or combined, and when considered as a whole, fails to teach or fairly suggest an e-commerce method, system, means and apparatus executing, with the help of a client browser, server/processor and data communication network, inter alia the steps of providing information concerning a product for display in a browser window, said information including a first offered price of the product, receiving information from said browser indicating an agreement by a user of the browser of said first offered price for said product, storing product related information including said first offered price, wherein said product is configured with multiple features, said stored

product related information includes said features of said product and said stored product related information is associated with an identification code corresponding to said user of the browser, receiving a purchase request associated with said identification code, wherein the purchase request indicates an agreement to purchase said product for said first offered price, prior to responding to said purchase request, determining if an event has occurred prior to receiving said purchase request to cause modification of the first offered price, wherein the event that caused modification of the first offered price is unrelated to any data received from said user subsequent to storing said product related information and changing said first offered price of said product to a second offered price of said product in response to said event that caused modification of the first offered price,(see independent claims 1,8,15,22 and 39 and the applicant's specification, page 5, lines 1-1, page 19, line 24-page 20, line 21 and Fig.27).

All dependent claims 2-7, 9-14, 16-21, 23-28, 35-38 and 40-51 are also allowable for the same reasons as cited above.

3. Discussion of most relevant Prior art:

(i) Smith (US Patent 6,901,430 B1) discloses a method, employing a browser in data communication over a network with a server, for determining a price of a product, (see at least Figs 1-3, 8 and , col. 3, line 62-col.4, line 22, col.7, line 8-col.9, line 62, col.13, line 61-cil.14, line 51), displaying information concerning said product in a browser window, said information including a price data of said product, agreeing to

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said first offered price data by transmitting product-related information to the server for storage in said a sub-portion of said plurality of server addresses, wherein said transmitted product-related information includes said first offered price data of the product and wherein the sub-portion of said plurality of server addresses are associated with an identification code corresponding to a user of the browser, wherein the agreed to offered price data defines agreed price data(see at least Figs 1-3, 8 and , col. 3, line 62-col.4, line 22, col.7, line 8-col.9, line 62, col.13, line 61-cil.14, line 51. Smith discloses an online method and system providing/displaying [see fig.8, "855-Display results"] product information including price data and comparison data to the consumer before he places an order or purchases the item, such as an automotive vehicle. Smith's method enables the consumer to configure the required automobile as per displayed information including price offer and comparison data. Consumer uses a browser software program running on a client computer and communicates with a server [see fig.3 web site portal 318 corresponds to a server] which has got a plurality of address spaces, such as "prospective buyer data 336", configuration pricing data 324', etc. and each of these address spaces further include a plurality of addresses stored in the form of digitized data . The consumer's preferred configuration choice including the price offer, after being input by the user on his client computer is transmitted by the browser application to the server, that is portal web-site 318 and is stored in the address space, " prospective buyer data 336" for future use in a subportion of plurality of addresses with an identification code, such as customer ID and configuration identifier (see at least col.12, lines 56-col.13, line 27, col.25, lines 8-12 and col.24, lines 54-61).

But Smith alone or combined with other prior art does not teach or suggest or render obvious all the steps as claimed and underlined above by the instant invention. The applicant's arguments filed on 10/27/2006, see pages 14-16, are convincing that Smith neither teaches or suggests the claimed invention as a whole:

"Applicant respectfully submits that the present invention is neither taught nor suggested by Smith because, for example, prior to responding to a purchase request, the method of claim 1 includes "determining if an event has occurred prior to receiving said purchase request to cause modification of the first offered price, wherein the event that caused modification of the first offered price is unrelated to any data received from said user subsequent to storing said product related information." Claim 1.

Smith relates to, "An online system of locating consumer product having specific configuration in an enterprise production pipeline and inventory is provided." Smith, Abstract. Smith teaches an online method that facilitates, "receiving a search request message having vehicle configuration data submitted by a user, formulating a search query with search criteria corresponding to the vehicle configuration data..... Smith also teaches that portal 318 (Fig. 3) allows a user to "indicate which configuration and options are desired." Id., col. 7, lines 36-37. ***However, in contrast to "changing [a] first offered price of said product to a second offered price of said product in response to said event that caused modification of the first offered price [and] the event that caused modification of the first offered price is unrelated to any data received from said user subsequent to storing said product related information" as required by amended claim 1, Smith teaches that price updates occur as a response to selections by a user. More specifically, Smith teaches that once the user indicates the desired configuration and options, "The price of the vehicle may be dynamically updated and displayed to reflect the price of the vehicle with the selected vehicle configuration and options." Id., col. 7, lines 37-40. Thus, Applicant respectfully submits that the present invention of claim 1 as amended clearly distinguishes over the teachings and suggestions of Smith because the price of the product selected by the user in Smith is clearly related to data received from the user and is furthermore***

clearly related to data received from the user prior to storing information about the desired product. “

(ii) Walker et al. (US Patent 6,507,822), hereinafter referred to Walker, teaches changing price data of a product to a second offered price data of said product in response to a predetermined event that includes expiration of a preset amount of time (see at least Figs.8,9 and col.7, line 35-col.8, line 20. Walker discloses storing two prices effective for two different periods of time for a product identified by product # “1111”. First price of \$10.00 is effective from Jan 1, 1999-Jan 31, 1999 and after the expiry of this first price on Jan 31, 1999 a second price of \$7.50 becomes effective from Feb 1, 1999. But Walker alone or combined with other prior art does not teach or suggest or render obvious all the steps as claimed and underlined above by the instant invention. The applicant’s arguments filed on 10/27/2006, see pages 19-20, are convincing that Walker neither teaches or suggests the claimed invention as a whole:

“Walker teaches that a customer can submit “an offer to buy [a] product at an “offer price” that is one of the series of prices” for a product. Walker, Abstract. The “offer also has an offer period that elapses when the respective effective period of the product price elapses.” Id. “The offer period thereby defines a period during which the offer is effective and after which the offer cannot be accepted.” Id. Walker teaches that a merchant may “continue[e] to sell the product at a list price” after receiving the offer, “thereby establishing a source of alternate demand for the product while periodically “reviewing the at least one offer to determine whether to accept the at least one offer.” Walker, claim 5.

In contrast to the teachings of Smith in view of Walker, amended claim 1 recites “prior to responding to said purchase request, determining if an event has occurred prior to receiving said purchase request to cause modification of the first offered price.” Walker teaches that an event, such as the expiration of a price, occurs after receiving the offer rather than “prior to receiving

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said purchase request." Therefore, Walker teaches the opposite of the provision of Claim 1 as amended. Applicants respectfully submit that independent claims 8, 15, 22, and 39 include similar provisions.

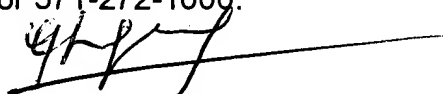
Accordingly, since independent claims 1, 8, 15, 22, and 39 are neither taught nor suggested by Smith in view of Walker, claims dependent upon independent claims 1, 8, 15, 22, and 39 are allowable for at least the same reasons. "

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yogesh C Garg
Primary Examiner
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YCG
12/4/2006